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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,531	08/18/2000	Ferdinand Hendriks	YOR9-2000-0220-US1	7794

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EXAMINER
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LANIER, BENJAMIN E

ART UNIT	PAPER NUMBER
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2132

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DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PPE

<b>Office Action Summary</b>	Application No. 09/642,531	Applicant(s) HENDRIKS ET AL.	
	Examiner Benjamin E Lanier	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings are required in this application because lines, letters, and numbers are not uniformly thick and well defined, clean, durable, and black. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 101***

2. Claims 3, 13 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. The claims disclose the association of identifiers to data units. However, if the data units are yet to be entered there can be no association made with the identifiers.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-9, 11, 14-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Penzias, U.S. Patent No. 5,577,120. Referring to claims 1, 4-6, 8, 9, 11, 14-16, 18-23, Penzias discloses a method for retail transaction identification wherein a purchaser is required to provide

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identification information along with biometric information, at a point of sale terminal, in the form of either height, weight, eye/hair color, fingerprint, iris image, or voice print in order to purchase a certain product. At the time of purchase, the purchaser's identification information, biometric information, and information about the transaction itself (data unit) is stored, which meets the limitation of associating one or more identifiers with data units respectively entered by one or more users at at least one of the two or more collaborative computing devices so that data entered by one or more is uniquely identifiable in the distributed collaborative computing system. The stored information is recoverable upon authorization by a central maintenance agency (Col. 2, line 37 – Col. 3, line 52), which meets the limitation of storing the data units and the one or more associated unique identifiers, the stored data units and associate unique identifier being accessible to the two or more collaborative computing devices in the distributed collaborative computing system in accordance with the collaborative application.

Referring to claims 7, 17, Penzias discloses that the identification information can be information contained on a transaction card that the user scans into a card reader at the time of transaction to read identification information such as the purchaser's name, address, social security number, etc. (Col. 2, lines 37-54), which would meet the limitation of determining an identifier via a personal code automatically sensed through an input device used by the user to enter the data units.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 10, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Penzias, U.S. Patent No. 5,577,120, in view of Piosenka, U.S. Patent No. 4,993,068. Referring to claims 2, 10, 12, Penzias discloses a method for retail transaction identification wherein a purchaser is required to provide identification information along with biometric information, at a point of sale terminal, in the form of either height, weight, eye/hair color, fingerprint, iris image, or voice print in order to purchase a certain product. At the time of purchase, the purchaser's identification information, biometric information, and information about the transaction itself (data unit) is stored, which meets the limitation of associating one or more identifiers with data units respectively entered by one or more users at at least one of the two or more collaborative computing devices so that data entered by one or more is uniquely identifiable in the distributed collaborative computing system. The stored information is recoverable upon authorization by a central maintenance agency (Col. 2, line 37 – Col. 3, line 52), which meets the limitation of storing the data units and the one or more associated unique identifiers, the stored data units and associate unique identifier being accessible to the two or more collaborative computing devices in the distributed collaborative computing system in accordance with the collaborative application. Penzias does not disclose that the point of sale terminals accepts signature biometric information. Piosenka discloses a personal identification system wherein the biometric terminal accepts dynamic signatures via a pressure sensitive tablet (Col. 5, lines 20-27, Fig. 1)(whiteboard system). It would have been obvious to one of ordinary skill in art at the time the invention was made to authenticate the purchasers of Penzias using dynamic signature via pressure sensitive

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tablets in order to provide universally accepted personal identification information as taught in Piosenka (Col. 2, lines 43-48).

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 703-305-7684. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703)305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Benjamin E. Lanier



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